

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND  
NORTHERN DIVISION**

THE CITY OF ANNAPOLIS, MARYLAND, )

Plaintiff, )

v. )

PURDUE PHARMA L.P.; PURDUE PHARMA )  
INC.; THE PURDUE FREDERICK COMPANY; )  
TEVA PHARMACEUTICALS USA, INC.; )  
CEPHALON, INC.; JOHNSON & JOHNSON; )  
JANSSEN PHARMACEUTICALS, INC.; )  
ORTHO-MCNEIL-JANSSEN )  
PHARMACEUTICALS, INC. n/k/a JANSSEN )  
PHARMACEUTICALS, INC.; JANSSEN )  
PHARMACEUTICA, INC. n/k/a JANSSEN )  
PHARMACEUTICALS, INC.; ENDO HEALTH )  
SOLUTIONS INC.; ENDO )  
PHARMACEUTICALS INC.; INSYS )  
THERAPEUTICS, INC.; CARDINAL HEALTH, )  
INC.; MCKESSON CORPORATION; )  
AMERISOURCEBERGEN DRUG )  
CORPORATION; WILLIAM THAM, M.D.; )  
PHYSICAL MEDICINE AND PAIN )  
MANAGEMENT ASSOCIATES, P.C.; KOFI )  
SHAW-TAYLOR; HAPPINESS AGUZIE; )  
TORMARCO HARRIS; MINNIE NDEM; )  
STARLIFE WELLNESS CENTER LLC; )  
LAWRENCE VIDAVER, M.D.; and )  
MARYLAND HEALING WATERS, LLC f/k/a )  
MARYLAND HEALING WATERS LLC, )

Defendants. )

Case No. 1:19-cv-01162-GLR

Action Filed: February 26, 2019

Action Served: March 20, 2019

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**REMOVING DEFENDANTS' STATEMENT IN  
RESPONSE TO STANDING ORDER CONCERNING REMOVAL**

The Removing Defendants<sup>1</sup> submit this Statement in response to the Court's April 22, 2019 Standing Order Concerning Removal (Doc. 5) in which the Court requested certain information related to five subjects. For ease of reference, those five subjects are repeated below, with responses provided to each.

**1. The date(s) on which each defendant was served with a copy of the summons and complaint.**

Defendants Endo Pharmaceuticals Inc. and Endo Health Solutions Inc. received the summons and complaint through service on March 20, 2019.

Defendants Purdue Pharma L.P., Purdue Pharma Inc., and The Purdue Frederick Company Inc. received the summons and complaint through service on March 20, 2019.

Defendants Teva Pharmaceuticals USA, Inc. and Cephalon, Inc. received the summons and complaint through service on March 20, 2019.

Defendants Johnson & Johnson; Janssen Pharmaceuticals, Inc., Ortho-McNeil-Janssen Pharmaceuticals, Inc. n/k/a Janssen Pharmaceuticals, Inc., and Janssen Pharmaceutica, Inc. n/k/a Janssen Pharmaceuticals, Inc. received the summons and complaint through service on March 20, 2019.

Defendant Insys Therapeutics, Inc. received the summons and complaint through service on March 20, 2019.

Defendant McKesson Corporation received the summons and complaint through service on March 29, 2019.

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<sup>1</sup> The Removing Defendants are those Defendants that removed the action (Endo Pharmaceuticals Inc. and Endo Health Solutions Inc.), and those that consented to the Notice of Removal: Purdue Pharma L.P.; Purdue Pharma Inc.; The Purdue Frederick Company Inc.; Teva Pharmaceuticals USA, Inc.; Cephalon, Inc.; Johnson & Johnson; Janssen Pharmaceuticals, Inc.; Ortho-McNeil-Janssen Pharmaceuticals, Inc. n/k/a Janssen Pharmaceuticals, Inc.; Janssen Pharmaceutica, Inc. n/k/a Janssen Pharmaceuticals, Inc.; Insys Therapeutics, Inc.; McKesson Corporation; Cardinal Health, Inc.; and AmerisourceBergen Drug Corporation.

Defendant Cardinal Health, Inc. received the summons and complaint through service on March 29, 2019.

Defendant AmerisourceBergen Drug Corporation received the summons and complaint through service on March 29, 2019.

**2. In actions predicated on diversity of citizenship, an indication of whether any defendants who have been served are citizens of Maryland, and, for any entity that is not a corporation, the citizenship of all members.**

According to documents on file in the state court action prior to removal, the following Dealer Defendants<sup>2</sup>—the only Defendants who may be citizens of Maryland—were served prior to removal: Happiness Aguzie; Tormarco Harris; Maryland Healing Waters LLC; and Kofi Shaw-Taylor. Additionally, Dealer Defendants Lawrence Vidaver, M.D.; William Tham, M.D.; and Physical Medicine and Pain Management Associates, P.C. appeared in the state court action prior to removal, indicating that they may have been served.

Of the Removing Defendants, Purdue Pharma L.P. is the only entity that is not a corporation. It is not a citizen of Maryland. Purdue Pharma L.P.'s partners are Purdue Pharma Inc., a citizen of New York and Connecticut, and Purdue Holdings L.P. Purdue Holdings L.P.'s partners are Purdue Pharma Inc., a citizen of New York and Connecticut; PLP Associates Holdings Inc., a citizen of New York and Connecticut; and PLP Associates Holdings L.P. PLP Associates Holdings L.P.'s partners are PLP Associates Holdings Inc., a citizen of New York and Connecticut; and BR Holdings Associates L.P. BR Holdings Associates L.P.'s partners are BR Holdings Associates Inc., a citizen of New York and Connecticut; Beacon Company; and Rosebay Medical Company L.P. Beacon Company's partners are Stanhope Gate Corp., a citizen of the

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<sup>2</sup> As set forth in the Notice of Removal (Doc. 1), the Dealer Defendants are: William Tham, M.D.; Physical Medicine and Pain Management Associates, P.C.; Kofi Shaw-Taylor; Happiness Aguzie; Tormarco Harris; Minnie Ndem; Starlife Wellness Center LLC; Lawrence Vidaver, M.D.; and Maryland Healing Waters, LLC f/k/a Maryland Healing Waters LLC.

British Virgin Islands and Jersey, Channel Islands; and Heatheridge Trust Company Limited, a citizen of Jersey, Channel Islands. Rosebay Medical Company L.P.'s partners are Rosebay Medical Company, Inc., a citizen of Delaware and Connecticut; R. Sackler, a citizen of Florida; and J. Sackler, a citizen of Connecticut.

- 3. If removal takes place more than thirty (30) days after any defendant was first served with a copy of the summons and complaint, the reasons why removal has taken place at this time and the date on which the defendant(s) was (were) first served with a paper identifying the basis for such removal.**

Defendants Endo Pharmaceuticals Inc. and Endo Health Solutions Inc. timely filed the Notice of Removal on April 19, 2019. Endo Pharmaceuticals Inc. and Endo Health Solutions Inc. received the summons and complaint through service on March 20, 2019. The Notice of Removal was timely filed. *See* 28 U.S.C. § 1446(b)(1); *Murphy Brothers, Inc. v. Michetti Pipe Stringing, Inc.*, 526 U.S. 344, 347-48 (1999).

- 4. In actions removed to this court predicated on diversity jurisdiction in which the action in state court was commenced more than one year before the date of removal, the reasons why this action should not be summarily remanded to state court.**

This does not apply, as this action was removed less than one year from commencement.

- 5. Identification of any defendant who was served in the state court action prior to the time of removal who did not formally join in the notice of removal and the reasons why such defendant did not join.**

As explained above, according to documents on file in the state court action prior to removal, the following Dealer Defendants were served prior to removal: Happiness Aguzie; Tormarco Harris; Maryland Healing Waters LLC; and Kofi Shaw-Taylor. Additionally, Dealer Defendants Lawrence Vidaver, M.D.; William Tham, M.D.; and Physical Medicine and Pain Management Associates, P.C. appeared in the state court action prior to removal, indicating that they may have been served. Regardless whether any Dealer Defendants have been served, as set forth in detail in the Notice of Removal (Doc. 1), the Dealer Defendants are not properly joined in

this action because they are fraudulently joined, severable under Federal Rule of Civil Procedure 21, and fraudulently misjoined. Their citizenship is ignored for purposes of diversity jurisdiction, and their consent to removal is not required.

DATED: May 3, 2019

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### CERTIFICATE OF SERVICE

The undersigned hereby certifies on this 3<sup>rd</sup> day of May, 2019 I directed that the foregoing to be e-filed with this Court's electronic filing system and thereby served via the Court's ECF filing system on all parties requiring electronic notification.

The undersigned further certifies on this 3<sup>rd</sup> day of May, 2019 I directed that the foregoing be served by first-class mail, postage prepaid to:

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